

**IN THE U.S. DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Stacey L. Schmader, Leticia O'Dell, Chad )  
Nicholson, Kai Huschke, Markie Miller, )  
Malinda Clatterbuck, Michelle Sanborn, )  
Crystal Jankowski, )

Plaintiffs, )

v. )

Thomas Alan Linzey, in his Individual and )  
Official Capacities; Tammy Belinsky, in her )  
Individual and Official Capacities; Fred )  
Walls, in his Individual and Official )  
Capacities; Edward Wells, in his Individual )  
and Official Capacities; Community )  
Environmental Legal Defense Fund and the )  
Center for Democratic and Environmental )  
Rights, )

Defendants. )

CIVIL ACTION No.:  
1:20-cv-00067

**MOTION FOR TEMPORARY RESTRAINING ORDER, OR, IN THE ALTERNATIVE,  
MOTION FOR AN EMERGENCY HEARING PURSUANT TO RULE 65 OF THE FRCP**

Plaintiffs, by and through their undersigned counsel, hereby file the instant Motion for an Emergency Temporary Restraining Order pursuant to Federal Rule of Civil Procedure 65(b)(1), or, in the alternative, for an emergency hearing under Federal Rule of Civil Procedure 65(b)(3).

1. This matter was initiated with the filing of a Complaint for Permanent Injunctive Relief and Motion for Preliminary Injunction with Jury Demand, Petition for *Ex Parte* Preliminary Injunction, and Memorandum of Law in Support of Plaintiffs' Motion for Temporary Restraining Order, Temporary, Preliminary and Permanent Injunctive Relief in the Court of Common Pleas of Franklin County on December 12, 2019.

2. A Hearing on Plaintiffs' Motion for Temporary Restraining Order was scheduled for December 23, 2019 and then rescheduled to January 27, 2020 due to a scheduling conflict. A copy of the Order is attached as Exhibit B.
3. On January 13, 2020, Plaintiffs filed a Motion for Leave to Amend Complaint for Permanent Injunctive Relief and Motion for Preliminary Injunction with Jury Demand and a First Amended Complaint for Permanent Injunctive Relief and Motion for Preliminary Injunction with Jury Demand. A copy of the Motion and Amended Complaint is attached as Exhibit C.
4. On January 13, 2020, Defendants filed a Notice of Removal to this Court. A copy of the Notice of Removal is attached as Exhibit D.
5. Plaintiffs now respectfully request that a Temporary Restraining Order be issued for the relief requested in the attached Order, pursuant to Rule 65(b)(1), or in the alternative, that a hearing be scheduled immediately on the preliminary injunction/temporary restraining order to avoid the ongoing irreparable harm Plaintiffs are suffering, for the reasons specifically described in its filing of Exhibit A.

WHEREFORE, Plaintiffs request a Temporary Restraining Order in the form Order attached herein, or, in the alternative, that a hearing be scheduled on an emergency basis as soon as possible on the temporary restraining order.

Respectfully Submitted,  
**KOLLER LAW LLC**

Dated: January 17, 2020

By: /s/ David M. Koller  
David M. Koller, Esquire  
2043 Locust Street, Suite 1B  
Philadelphia, PA 19103  
[davidk@kollerlawfirm.com](mailto:davidk@kollerlawfirm.com)  
*Counsel for Plaintiffs*